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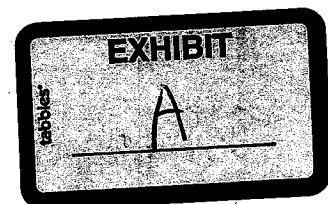
IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DONALD D. BELLON,	)	
	)	
Plaintiff/Counterclaim-Defendant,	)	
	)	Cause No.: 4 06CV01504 ERW
v.	)	
	)	Removed from the Circuit Court
TSA STORES, INC.,	)	of the County of St. Louis
	)	Cause No. 06CC-0014071-CV
Defendant.	)	

**TSA STORES, INC.'S AMENDED COUNTERCLAIM**

Comes now Defendant, TSA STORES, INC., by and through its attorneys, BETH C. BOGGS and BOGGS, AVELLINO, LACH & BOGGS, L.L.C., and for its Amended Counterclaim against Donald Bellon states as follows:

1. Plaintiff, Donald D. Bellon alleges strictly liable against TSA Stores, Inc. for the death of Mary Carol Bellon (hereinafter "Decedent") due to alleged defects in a basketball goal pole that TSA Stores, Inc. allegedly sold.
2. Plaintiff alleges that the subject basketball pole broke when Decedent placed her hands and weight upon it, that the pole fell upon her person, and that Decedent was killed as a result.
3. Defendant TSA Stores, Inc. denies that it is liable to Plaintiff.
4. In the alternative, Defendant alleges that the pole fracture occurred at its base at or below ground level as a result of rust and corrosion of the pole at that location.



5. The basketball pole at issue was packaged and sold to Plaintiff with documents directing the installer of the pole to (a) place a graduated berm/drainage hill around the perimeter of the base of the pole in order to allow for water to drain away from the pole to prevent corrosion, and (b) inspect, repair, and maintain the pole.

6. Donald Bellon installed the basketball pole at issue, and failed to install a graduated berm/drainage hill around the perimeter of the base of the pole.

7. The carelessness and negligence of Plaintiff, including, but not limited to,

- (a) his failure to follow and/or abide by the installation instructions accompanying the subject basketball pole,
- (b) his failure to place a graduated berm/drainage hill around the perimeter of the base of the pole as directed by the installation instructions accompanying the subject basketball goal pole, and/or
- (c) his failure to regularly inspect, maintain, and repair the integrity of the subject basketball goal pole,

directly caused or contributed to cause whatever injuries and/or damages he may have sustained.

8. In the event that Defendant TSA Stores, Inc. is found liable to Plaintiff, Defendant TSA Stores, Inc. is entitled to contribution from Plaintiff in an amount proportionate to the relative degree of fault of Plaintiff.

WHEREFORE, Defendant TSA Stores, Inc. prays that if Plaintiff recovers a judgment against it, that it Defendant TSA Stores, Inc. be granted a judgment against Plaintiff for contribution in an amount proportionate to the fault of Plaintiff, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

**TSA STORES, INC.**

By: /s/Beth C. Boggs  
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**Attorneys for Defendant**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically with the Clerk of the Court on the 25th day of May, 2011, to be served by operation of the Court's electronic filing system upon the following:

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/s/Beth C. Boggs